

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DEREK KURT HEGGSTROM,

Plaintiff,

Case No. 3:16-cv-00720-MMD-WGC

## **REPORT & RECOMMENDATION OF U.S. MAGISTRATE JUDGE**

V.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

Plaintiff filed an application to proceed in forma pauperis (IFP) and pro se complaint on December 9, 2016. (ECF Nos. 1, 1-1.) On January 10, 2017, the undersigned issued an order granting the IFP application, and allowing Plaintiff's complaint, which named the Social Security Commissioner and requested review of the Commissioner's denial of disability benefits, to proceed. (ECF No. 4.) After being granted an extension of time, the Commissioner filed an answer on April 12, 2017 (ECF No. 11), and filed the administrative record with the court (*see* ECF No. 12, 14). That same day, the court issued its order concerning review of Social Security cases, giving the Plaintiff thirty days to file a motion for reversal and/or remand. Nothing was filed by the deadline, and on June 5, 2017, the court gave Plaintiff thirty additional days to comply with the order, warning that a failure to do so may result in dismissal. (ECF No. 16.) On July 11, 2017, Plaintiff filed a document, which was construed as a request for an extension of time. (ECF No. 17.) On August 29, 2017, the court entered an order giving Plaintiff up to and including September 29, 2017 to comply with the order and file a motion for reversal and/or remand. (ECF No. 18.)

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As of today's date, Plaintiff has not filed a motion for reversal and/or remand or otherwise indicated an intent to pursue this action. Therefore, it is recommended that the action be **DISMISSED WITHOUT PREJUDICE**.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

DATED: October 4, 2017.

Walter G. Cobb

**WILLIAM G. COBB  
UNITED STATES MAGISTRATE JUDGE**